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Application No. 10/643,404 Amendment dated June 22, 2007 Reply to Office Action dated March 22, 2007

Docket No.: 59753(48185)

REMARKS

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The Applicants appreciate the Examiner's thorough examination of the subject application. Claims 1, 4, and 5 were pending in the instant application. Claim 6 is new. Support for new claim 6 is found at least at page 12, lines 3-5 of the application as filed. Claim 5 has been amended to depend from claims 1, 4, or 6. Claims 2 and 3 stand cancelled. As such, claims 1, 4, 5, and 6 will be pending upon entry of the within amendment. No new matter is introduced by these amendments.

Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1, 4, and 5 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for treating the restenosis or neointimal formation caused by percutaneous transluminal coronary angioplasty (PTCA) or a coronary-artery bypass graft (CABG) with 3-methyl-1-phenyl-2-pyrazolin-5-one, allegedly does not provide reasonable enablement for the therapy of arterial wall injury.

It is suggested that the level of skill in the art, the unpredictability of the art, the amount of guidance and/or working examples, the breadth of the claims, and the amount of experimentation necessary are not described in the specification in such a way to make and/or use the invention.

Applicants disagree and respectfully traverse.

A description is presumed adequate unless sufficient evidence or reasoning is presented to rebut the presumption. See, *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). The courts have provided an objective standard for determining compliance with the written description requirement: "... does the description clearly allow persons of ordinary skill in the art to

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recognize that he or she invented what is claimed." In re Gostelli, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (CAFC 1989). Applicants submit that the Action does not provide sufficient evidence to rebut the presumption of Applicants' adequate description. On that basis alone, Applicants submit the rejection is unsupported. Furthermore, Applicants submit that their description does, in fact, provide more than adequate description to support the claimed subject matter.

The instant invention is directed towards the treatment of arterial wall injury which is caused by coronary angioplasty or coronary-artery bypass graft (CABG). Examples 1 and 2 provide for a method of treating an arterial wall injury caused by coronary angioplasty using edaravone (3-methyl-1-phenyl-2-pyrazolin-5-one). The specification clearly indicates that neointimal formation is an arterial wall injury (page 12, lines 3-4 of the specification) and that arterial wall damage by a balloon is a form of coronary angioplasty (page 1, lines 11-20). Examples 1 and 2 also indicate that treatment with edaravone suppresses neointimal formation (page 13, lines 24-27 and page 15, lines 10-20). Therefore, Examples 1 and 2 both provide for the use of 3-methyl-1-phenyl-2-pyrazolin-5-one to treat an arterial wall injury caused by coronary angioplasty.

One of ordinary skill, especially with the combination of background therapeutic knowledge known to one of ordinary skill in the art, as well as the guidance of the specification, would appreciate how to make and use Applicants' claimed subject matter. The Applicants' specification has provided data indicating that arterial wall injuries caused by coronary angioplasty or coronary-artery bypass graft, are treated with 3-methyl-1-phenyl-2-pyrazolin-5-one. Applicants therefore submit that one of ordinary skill in the art would find the specification as filed to be enabling in that the compounds of the invention are clearly delineated, the methods to treat arterial wall injury caused by coronary angioplasty or coronary-artery bypass graft are clearly described, and the methods are well known to those of ordinary skill in the art.

Regarding the alleged lack of enablement regarding certain disorders including hypertension, Applicants submit a copy of Saini, A. K. et al. Pharmacological Research, (2006), 54, 6-10. Saini et al., at page 9, column 2, lines 47-48, observed that edaravone therapy for two weeks results in the normalization of elevated blood pressure.

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Withdrawal of the rejection is respectfully requested.

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Rejection under 35 U.S.C. § 102(e)

Claims 1, 4, and 5 are rejected as anticipated by Okazaki et al. (US 2004/0242455). It is alleged that Okazaki teaches a composition comprising 5-amidino-N-(2-aminophenethyl)-2hydroxylbenzesulfonamide derivatives and edaravone for the treatment of restenosis and reocculsion after coronary intervention such as percutaneous transluminal coronary angioplasty or percutaneous transluminal coronary recanalization surgury.

Applicants disagree and restpectfully traverse. Applicants submit that Okazaki is not a valid prior art reference under 35 USC 102(e), because the subject invention was disclosed prior to the effective date of Okazaki.

The instant application was filed in the US on August 18, 2003, and has a USPTOacknowledged priority date of September 4, 2002.

Regarding 35 USC 102(e)(1), the published Okazaki reference (US 2004/0242455; US 7,022,689) was filed in the US on February 6, 2004. The US filing date of Okazaki is NOT prior to the priority date of the instant application. Regarding 35 USC 102(e)(2), the published Okazaki reference (US 2004/0242455; US 7,022,689) is a US national stage application of PCT/JP02/08093 (WO 03/016269). WO 03/016269 published on February 27, 2003, in Japanese and therefore does not satisfy at least one condition of 35 USC 102(e)(2); specifically, WO 03/016269 did not publish in English.

Section 706.02(f)(1) III of the MPEP provides flowcharts which clearly show that a US National stage application of a PCT international application does not have a 102(e) date if the international application did not published in English. Accordingly, Okazaki is not a valid prior art reference under 35 USC 102(e). The rejection is obviated and Applicants request withdrawal of the rejection.

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In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

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The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Attorney Docket No. 48185-59753, Customer No. 21874.

Dated: June 22, 2007

Respectfully submitted,

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Edaravone attenuates hydroxyl radical stress and augmented angiotensin II response in diabetic rats

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Abstract

Reactive oxygen species (ROS) potentiate angiotensin II (Ang II) responses in disbetic vesculates. However, superoxide scavengers partially restore this effect, suggesting free redicals other than superoxide could be involved. Educations (3-methyl-1-phenyl-2-pyrazolis-5-one) is an antioxidant, which primarily resvenges hydroxyl radicals and is approved for use in stricts patients. Hence, to evaluate the role of hydroxyl radical stress in disbetic vescular complications, we studied the effect of educations (2 mg kg⁻¹, i.p., b.l.d.) treatment on Ang II responses in theracic aora isolated from superoxotocin (60 mg kg⁻¹ i.p.) induced if weeks disbetic male apprague—Dawley rate. Ang II (10⁻¹⁶ to 10⁻² M), herebutyl hydro peroxide (18 HP; 10⁻⁶ to 10⁻² M) or hydrogen peroxide (H₂O₂; 10⁻⁴ to 10⁻³ M) induced contractily response was significantly cabanced in sortio atths from disbetic as compared to coultrol rate. Lipió proxidation was significantly enhanced while the superoxide dimutase (30D) and catalase activity was significantly lower in sorta of disbetic rate in the organ bath restored the augmented Ang II but not tiBHP or H₂O₂-induced contractile response. In vivo education and the reduced SoD and catalase activity was castored to control values following 2 weeks adarations treatment. From our results we infer that hydroxyl redical stress sugments Ang II response in diabetic rate theracic actus and educations to the All rights reserved.

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Keywords: Angietennia; Diabetes; Edurarone; Hydroxyl sufficul; Streptozotocia

1. Introduction

Vascular complications associated with the diabetes are major cause for the increased morbidity and mortality in diabetic patients [1-6]. Angiotensin II (Ang II) induced AT₁ receptor mediated altered vascular structural and functional physiology [1.2.7]. In addition to the direct affects of hyperglycemia [4.8], are evident to be a major factor in the development

of the vascular complications. Although Ang II as well as hyperglycomia induced superoxide formation is a key event in the vascular pathophysiology [6], several reports including recent data from our lab, indicate that superoxide reavengers partly severt the enhanced Ang II response in diabetic animals [1,7]. Such partial effects suggest that radicals other than superoxide may be involved in the vascular pathophysiology.

Ang II signaling occurs examply via AT₁ receptors [9] with increasing evidence suggesting that NADPH exidase-dependent generation of reactive extremely an appearable anion, hydrogen peraxide (H₂O₂) and the reactive hydroxyl radical may be early events [6,10-13]. The superoxide anion generated is converted by superoxide dismutase (SOD) to H₂O₂, while hydroxyl radical is produced by the fenton reaction [14-16]. ROS mediate proliferative/hypernophic responses to Ang II,

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These surbors contribution equally to the work.

both in vivo and in vitro [11.12,14,17], Although their role in Ang II-dependent vascular contraction is not conclusive, the involvement of superoxide scion, H2O2 and hydroxyl radicals are proposed under puthophysiology [10,18]. Previous reports from our lab indicate that superoxide anion partly contributes to the enhanced vascular contractile response to Ang II in experimental models of diabetes [1,7] and hypertension [19]. Tempol. a membrane-permeable, water-soluble SOD mimetic (superoxide union scavenger) partially reverses the augmented Ang II-induced vasaconstriction in thoracic sorts of STZ-induced diabetic rais [1]. This prompted us to speculate the role for other radicals (probably hydroxyl radical) in the enhanced vascular response to Ang II, which we aimed to address in the current study. Edaravone (a hydroxyl radical scavenger) is an approved drug for the trentment of smoke (20,21). We have used this drug as a tool to study the tole of hydroxyl radical in the enhanced response to Ang II in disbetic varculature and report its beneficial effects, suggesting the role of hydroxyl radical stress in diabetic vasculopathy and also being an approved drug the possibility of extending the study in diabetic patients.

2. Materials and methods

2.1. Animals, induction of diabetes and adaravona treatment schedule

Male Sprague-Dawley rats (160-180 g) were procured from Control Animal Facility, NIPER. Experimental protocols were approved by the Institutional Animal Ethics Committee of NIPER. Plasma glucose levels were measured in all animals before administration of streptozotecin (STZ). Animals showing plasma glucose levels in the range of 3,9-5,5 mM measured by GOD-POD plasma glucose disgnostic kit (Accuron, India), were included in study. Rats were made diabetic using STZ as described previously [2,7]. Rots with a blood glucoen level >20 mM were selected for the study. Eight weekn post-induction of diabetes the rate were sacrificed under other exesthesia and the thoracic sorts was isolated for organ bath studies and estimation of biochemical parameters. A randomly relocted group of 6 weeks diabetic rate were treated with edaravone (3 mg kg-1 i.p., b.l.d.) for 2 weeks, while the control rats received vehicle (isotonic saline, i.p., b.i.d). Educatone dose was selected based on preliminary studies using 1. 3 and 10 mg kg-1, t.p., b.i.d (data not shown). To assess the possible eardiovascular effects of eduratione, blood pressure and heart rate were measured noninvasively using LTC tail cuff probe (USA) as described before [1].

2.2. Chamicals

Edamvone (MCI-186: 3-methyl-1-phenyl-2-pyrasolin-5one) was purchased from Colbiochem, Germany: GOD/POD glucose kit from Accurer, India; attentozotocia, tBHP from Sigma Chemical Co., St. Louis, USA: H₂O₂ from Merck, India; angiotennia Il from Bachem, Basel, Switzerland. All other chemicals were of reagent grado, purchased locally.

2.3. Biochemical analysis

2.3.1. Assay for SOD activity

Isolated thoracle norm was cleaned of surrounding fat and homogenized in 50 mM PBS buffer pH 7.0 using polytion homogenizer. Homogenete was then centrifuged at 4°C, 15,000 pm for 10 min. Supermeant was used for the estimation of SOD activity by homogenylin zamo-oxidation method as described [1].

2.3.2. Assay for cataloss activity

Catalase activity was measured according to Grover et al. [22]. Thoracic north was homogenized (20 mg of tissue/ml of PBS, pH 7.1) and cantifuged at 4 °C (15,000 rpm for 10 min). The supermetant obtained was used for the aspay. The degradation pottern of exogenously added H₂O₂ by catalase enzyme present in 200 µl of tissue supermeasur was manitored at 240 nm in spectrophotometer at 15s interval for 5 min and its activity calculated. Combase selivity is expressed as U/mg of protein. Protein was entimated by Lowry's method.

2.3.3. Lipid peroxidation assay

The concentration of MDA (thiobarbinuic acid reactive substance (TBARS)) was assayed using the method described by Beltowski et al. [23]. 0.5 ml of plasma or 1 ml of tissue supernatant of thoracic north was mixed with 1 ml of 10% trichloradestic acid and allowed to stand for 30 min at 37 °C. Then 1 ml of 0.67% (w/v) thiobarbiturio acid and 20 µl of 20% BHT and the sample were heated at 95 °C for 30 min in boiling water both. After cooling to room temperature, 2 ml of nobulanol was added and vortex immediately and centrifuged for 5 min at 5000 rpm. The organic layer was removed and the abdect bance was measured at 532 mb. The concentration of MDA is expressed as aM of MDA/mg of tissue (aosto).

2.4. Vascular reoctivity to Ang II, H2O2 and tBHP

Eight weeks poor-STZ administration, the rate were seed fixed and thoracic north was isolated from the heart to the diaphragm and cleaned of surrounding for and connective tingues. Care was taken not to stretch the yeasel. Helical strips of north of 3 mm in width and 20 mm in length was cat with sharp iris sciosors and placed in 10 ml organ both containing Krebs-Henseleit buffer (NoCl 118 mM; KCl 4.7 mM, RH2PO4 1.2 mM, Mg 504-7H2O 1.2 mM, CaCl2-2H2O 2.5 mM, NaHCO3 25 mM and glucore 5.5 mM) of pH 7.4 and osmolality (280-308 mOrmal). The solution was continuously somted with 5% carbogen at 37°C. A resting tension of 2 g was applied to the strips and allowed to equilibrate for 2h After 2h of equilibration, two wake up responses of KCI (80 mM) were recorded following which concentration response curves (CRC) of Ang II (10⁻¹⁰ to 10⁻⁶ M), H₂O₂ (10⁻⁶ to 10⁻³ M) and tBHP (10⁻⁶ to 10⁻² M) were recorded in absence of presence of edgravone (10-8 M). Changes in the isotonic contraction were recorded as described [1,7,8]. The maximum vasoconstrictor response to the respective agonists in control tissue was considered as 100%.

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2.5. Statistical analysis

Results are expressed as roean ±5.E.M. Statistical comparisons were performed with one-way ANOVA followed by post hoe (Bonferroni's) test. A p value <0.05 was considered significant. All statistical tests were performed using the Prism software puckage (version 4, GraphPad, San Diego, CA, USA).

3. Results

3.1. Antihypertensive and antioxidant effects of edurations in diabetic rate

STZ-administered rats developed symptoms of type I diabetes as previously described [1]. Due to prolonged hyperglycomis (8 weeks), oxidative stress was observed in these animals, which was supported by decrease in estalase and SOD activity and elevation in lipid peroxidation. Oxidative stress generated by hyperglycomia leads to vascular complications like hypertension, which correlated well with increase in systolic blood pressure (Table 1). Two-week edgravene treatment significantly restored systolic blood pressure and lipid peroxidation to normal and enhanced the catalase and SOD activity in diabetic rats (Table 1).

3.2. Edaravone relactively inhibits augmented response of angiotensin II but not H₂O₂ or their

Ang Π -, H_2O_2 - and tBHP-induced contraction in endothelium intact a crite spiral preparations were significantly schanced in thoracic aurta from diabetic rate as compared to age matched control rate as evident by supersensitivity (increase in pD₂ value) and increase in maximal response ($E_{\rm max}$) (Figs. 1-3). Preincubation of blood vessel with edaravone (10^{-5} M) for 15-20 min significantly restored the enhanced response to Ang II but not to that of H_2O_2 or tBHP in thoracle north from diabetic rate, however, it did not influence the response to any of these spasmogens in thankeic north from control rate. Similar trend in response to these spannogens were observed in thoracic north isolated from diabetic rate treated with edaravone for 2 weeks

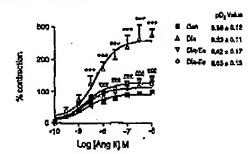


Fig. 3. Cumulative confecutation response curves and pUg values of Aug II in codothelium intact acrtic toiral preparations obtained from age matched control (Can), I weeks disbatic (Dia) rate, in when education (Dia Ha; 10⁻² M, or 13-20 min) trasted vessels from diabetic rate and I weeks education (Dia + Sc; 3 mg kg⁻¹, i.p., b.i.d.) trasted diabatic rate. Each value is represented as mean 4 S.E.M., n=6, ***p<0.001 vs. control. **Efp<0.001 vs. diabatic.

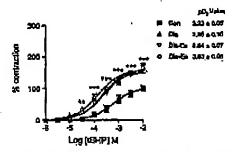


Fig. 2. Comulative consentration response curves and pD₂ values of the instability in that with spiral preparations obtained from age matched copers (Con), 8 weeks disbette (Dis) rate, is vitre advances (Dis Ret 10⁻³ M, or 13-20 min) treated vessels from disbette rate and 2 weeks extensions (Dis + Sec, 3 mg kg⁻¹, i.p., bind.) match disbette rate, Rech value is separated as mean \pm 3.8.M, n = 6. "p < 0.01," "p < 0.001 vs. control group.

(Figs. 1-3). Selectivity of educations to inhibit the augmented Ang II response both in vitro as well as in vivo suggests the involvement of hydroxyl radical stress in augmented responses of Ang II in diabetic animals.

Table 1 Riffers of adarsyone on body weight, blood pressure and blochemical parameters

	Control	Diaboxic	Diabotic + oferayans
Body weight (a)	348 ± 5.7	163 ± 5.5**	202 由 5.2 ^C
Platini glucosc (mg/dl)	91 ± 2.7	445 ± 7.2***	463 ± 13.8
Systolia Blood pressure (mmile)	121 士 2	158 2 4"1"	128 ± 344
Heart rate (bents/min)	377 ± 13	385 A 34	391 ± 28
SOD schivity (U/mg protein)	24.9 ± 5.4	0.68 ± 0.3***	58.8 ± 4***
Catalaga activity (Umg protein)	2.5 ± 0.02	0.37 ± 0.02***	2.14 ± 0.04fff
Lipid peroxidation (µM MDA/mg protein)	1.77 ± 0.03	4.8 土 9.6***	21 ± 0244

Each value is represented as mean & S.E.M., n = 8-10.

est p<0.05 vs. disbetto group.

^{***} p < 0.001 vs. control,

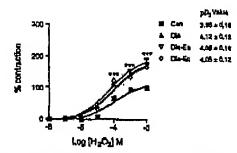


Fig. 3. Caministive concentration response curves and pD₂ values of H₂O₂ in endothelium intersecute spiral preparations obtained from age matched control (Con), 8 weeks dishetic (Dis) pair, in vitro ederatoon (Dis + Eq. 10⁻² M₁ of 13-20 min) tracked remarks from dishetic rate, and 2 weeks advance (Dis + Eq. 2 mg kg⁻¹, i.p., b.l.d.) rested dishetic rate. Each value is preparated as mean ± 3.8.M₁, n=6. P⁻¹p < 0.001 vs. respective control group,

4. Discussion

The pathophysiological relevance of exogenous antioxidant therapy is envisaged by the discovery of reactive oxygen species generators (NADPH oxidases, xanthino oxidase, uncoupled nitric oxide synthases, lipoxygenases and mitochondrial electron transport complex) in vasculature [16,17]. Ang II is a creeial hypertrophic/hyperplastic factor in vascular wall, contributing to several pathophysiological conditions [12,24,25]. These actions of Ang II are related to a peptide-dependent increase in ROS synthesis [16].

Increased generation of superoxide anion and other ROS and decreased plasma or tissue concentrations of superexide dismutase, extalase, glutathione and ascorbic acid are reported in both cilcical and experimental diabetes [26,27]. Amongst the ROS, superoxide smion, hydoxyl radical and H2O2 [28,29] are implicated in the impaired relaxation responses to acceptabiline (a marker for endothelial function) [6,11]. Thus, conclusively establishing the role of ROS in the endothelial dysfunction. Similarly, we observed the involvement of superoxides in the enhanced contractile response to Ang II in sortic rings obtained from SHR [19,30] and diabetic rate [1,7]. While interventions/treatments with superoxide seavengers restores endothelist function, Ang II-Induced enhanced contraction is partially improved, suggesting the role of other ROS. Recent reports show the involvement of H2O2 in mediating the hypertrophic and contractife responses to Ang II [15,31-33]. However, studics exploring the involvement of H2O2 in pathological condition like dispetes are bidirectional. While some believe leaser involvement of molecular H2O2 in pathogenesis of the diabetes [34], others predict its predominant involvement owing to its membrane permeability [28,32,33,35]. However, the fact that H2O2 can react with transition metal Fe2+ to produce highly reactive hydroxyl radicals (Fenton reaction) and hypochlogous soid (generated by the myploperoxidate) react with superoxides. further contribute to hydroxyl radical stress [17,18] is largely overlooked in the context of diabetic pathophysiology. Hydroxyl radical is the highly reactive and deleterious ROS and it has been shown that hydroxyl radicals can lead to endothelial dysfunction [18], hence its involvement in mediating augmented Ang II response is topic likely than those of other ROS. Several synthetic compounds, which afficiently scavenge the hydroxyl radical, are used in stroke therapy. Eduratone is one such drug [20,36], which is approved for the treatment of stroke [21] and reported to protect bydroxyl radical-induced ischemic reportusion injuries [37-40]. Hence, we studied the involvement of hydroxyl radical in the enhanced contractile responses to Ang II in diabetes using ederayone. In vitro exposure as well 2 weeks In vivo treatment with edurations restored the augmented Ang Il responses, suggesting hydroxyl radical stress augments the Ang II responses in diabetes, which may be major factor for eardiovascolar dysflinction in diabetes. To best of our knowledge this is the first study showing that hydroxyl radical mediate the augmented Ang Il vascular response in diabetes. We have also checked the selectivity of the adarsvone to Ang II response, by studying its effects on responses to H2O2 and tBHP. We did observe supersensitivity (increase in pDz value) as well as groater contraction (increase in Emet) of sortic spiral preparation to tBHP (Fig. 2) and H2O2 (Fig. 3) in diabetic rate as compared to age matched control rats, which was not influenced by in vitto or in vivo adaravone treatment. This differential effect of edgeavone on Ang II, H2O2 and iBHP, suggests that superscoaltivity of the contractile elements to ROS is also a feature in diabetic vasculature, hence identifying the specific ROS, their molecufar source and evaluating their signaling cateade is exucial in understanding the disease process. A step towards this our study shows that hydroxyl radicals are the primary ROS involved in Ang II-induced supersensitivity in diabetic vacculature, Here it is important to note that increase in catalage activity with edaravone treatment for 2 weeks, did not restore the augmented H_2O_2 responses in diabetic sorts. This may be due to the change in sensitivity of the contractile elements to H2O2 in diabetic condition, which may not be influenced by treatment with antioxidants or specific radical seavengers of increase in antioxidant enzyme defense.

Consistent to our observation of hydroxyl radical stress in enhanced response to Ang II in diabetes, education treatment for 2 weeks significantly restored the catalase and SOD activity, lipid perexidation and systolic blood pressure to normal in STZ-induced diabetic rats, which suggest the role of hydroxyl radical stress in diabetic vascular complications. The necehabitms behind the changes observed in blood pressure could be hypothesized as hydroxyl radicals mediate to be initiation factors/early events. Our observation that education interpret for 2 weeks could effectively acqualize the elevated blood pressure does support this hypothesis but needs additional and well-controlled and time-dependent studies to arrive at a conclusion.

In conclusion, the present experiments point to hydroxyl radical as a critical mediator of the sugmented Ang II responses in diabetic rat thoracic sorts and edaravone selectively attenuates augmented Ang II responses in diabetic rat thoracic sorts, which is solectively attenuated by edaravone. Hence, edaravone could be a promising adjuvant antioxidam therapy for vasculopathy associated with diabetes.

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